

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CHARLES CASTON,

Plaintiff,

vs.

U.S. NAVY DISCHARGE REVIEW
BOARD, *et al.*,

Defendants.

2:07-cv-534-JCM-RJJ

REPORT & RECOMMENDATION
OF UNITED STATES
MAGISTRATE JUDGE

This matter is before the undersigned Magistrate Judge on the failure of the Plaintiff, Charles Caston to comply with the Court's Order (#2).

1. On May 4, 2007, the Court entered on Order (#2) denying Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (#1) and further, ordered the Plaintiff to pay the filing fee of \$350 in full on or before June 11, 2007. *See*, Order (2) at pg. 1, line 20-21.
2. Plaintiff has not paid the filing fee.
3. Further, the Order (#2) directed Plaintiff to file an amended complaint on or before June 11, 2007.
4. No amended complaint has been filed by the Plaintiff in this case.

Based on the foregoing and good cause appearing therefore,


RECOMMENDATION

IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be **DISMISSED WITH PREJUDICE.**

NOTICE

Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court on or before January 20, 2008. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

DATED this 4th day of January, 2008.


ROBERT J. JOHNSTON
United States Magistrate Judge